

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

WILLIAM J. MALLEN and)	Civil Action No.: 05cv10243 RGS
STEVEN H. MALLEN,)	
)	
Plaintiffs,)	
)	
v.)	
)	
CITY OF BOSTON/BOSTON)	
PUBLIC SCHOOLS and)	
ANTHONY POMELLA,)	
)	
Defendants.)	

**DEFENDANT, THE CITY OF BOSTON/BOSTON PUBLIC SCHOOLS' MOTION
ENLARGE TIME TO FILE RESPONSIVE PLEADING**

Defendant, the City of Boston/Boston Public Schools (hereinafter, "BPS"), respectfully requests that the time to file its responsive pleading in this action be enlarged an additional fifteen (15) days, up to and including March 1, 2005. In support of this Motion, BPS states:

1. BPS was served with a copy of the Plaintiffs' Complaint on January 18, 2005;
2. On February 7, 2005, this case was removed from the Suffolk Superior Court to the United States District Court for the District of Massachusetts;
3. BPS's responsive pleading is due on February 14, 2005;
4. Defendant, Anthony Pomella, was served with a copy of the Plaintiffs' Complaint on February 8, 2005, and consequently, his responsive pleading is due on March 1, 2005;
5. Plaintiffs' Complaint lists six (6) counts against Defendants, and the issues involved in the Complaint are complex and have required extensive research;
6. BPS has diligently worked to prepare a responsive pleading within five (5) days of removal, but is unable to completely and thoroughly research the issues in this case within the time allotted;

7. An enlargement of time will enable BPS to thoroughly research the allegations and properly prepare the presentation of BPS's defenses;

8. An enlargement of time until March 1, 2005 will also streamline this case, to wit: it will synchronize the deadlines for both Defendants' responsive pleadings, thereby permitting Defendants to file a single responsive pleading rather than two (2) separate responsive pleadings;

9. In addition, the handling of the above-captioned matter is being transferred to new counsel, Alissa Ocasio, for the Defendants. Predecessor counsel, Robyn Andrea Porter, will be withdrawing her appearance. The enlargement of time will allow new counsel to familiarize herself with the case and properly complete a responsive pleading on behalf of the Defendants.

10. Defendants' counsel attempted to contact Plaintiffs' counsel by telephone on two separate occasions prior to filing this Motion, but was unable to reach Plaintiffs' counsel to determine whether the Plaintiffs would assent to said extension of time.

WHEREFORE, BPS respectfully requests that the time to file its responsive pleading be enlarged an additional fifteen (15) days, up to and including March 1, 2005.

Dated: February 11, 2005

CERTIFICATE OF COMPLIANCE
WITH LOCAL RULE 7.1(A)(2)

I hereby certify that, in accordance with Local Rule 7.1(2), I have attempted in good faith to confer with Plaintiff's counsel and to resolve or narrow the issues contained in this Motion.

Robyn Andrea Porter

Respectfully Submitted,
Defendants,
The City of Boston/Boston Public Schools
and Anthony Pomella,

By Their Attorney,
Merita Hopkins, Corporation Counsel

By:

Alissa Ocasio, BBO #645272
Assistant Corporation Counsel
Boston Public Schools
Office of Legal Advisor
26 Court Street, 7th Floor
Boston, MA 02108
(617) 635-9320

CERTIFICATE OF SERVICE

I, Alissa Ocasio, hereby certify that a true copy of this document was served upon Attorney for Plaintiffs, James F. Champa, Esq., One McKinley Square, 6th FL, Boston, MA 02109 via U.S. Mail on February 11, 2005.

Alissa Ocasio